

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff,

22 Civ. 3822 (VEC)

-against-

**EDDY ALEXANDRE and
EMINIFX, INC.,**

Defendants.

NOTICE OF FILING OF ACTION

David A. Castleman (the “Receiver”), as Receiver pursuant to the Consent Preliminary Injunction (the “Consent Order”), entered by this Court in this action (the “Receivership Action”) on June 15, 2022 [Dkt. 56], files this Notice of Filing of Action (the “Notice”) to inform the Court that on March 25, 2025, the Receiver initiated an action against Clarelle Dieuveuil, the former Chief Financial Officer of EminiFX (the “CFO”) in the Supreme Court for the County of New York (the “CFO Action”) by filing the complaint attached as Exhibit A hereto (the “Complaint”).

In the Complaint, the Receiver alleges that the CFO is liable for breach of fiduciary duty and for fraud, arising from specific actions she took as CFO in furtherance of the operation of EminiFX, as set forth in the Complaint. The Receiver further alleges that the CFO aided and abetted Mr. Alexandre’s alleged breach of fiduciary duty and fraud. Finally, the Receiver alleges that the CFO received transfers of over \$500,000 from EminiFX, for which no value was provided, and seeks to avoid those transfers.

The Receiver's decision to bring the CFO Action was based in part upon information discovered during the claims and distribution process. Most notably, the Receiver learned that prior to the closure of EminiFX, throughout April and early May 2022, many investors contributed cash to various EminiFX personnel, acting as collectors, who would give the cash to Dieuveuil or Alexandre. The investor would ultimately be credited with the investment, but the Receiver has no record of the cash entering the EminiFX system. In the complaint, the Receiver alleges that the CFO failed to ensure that millions of dollars of cash deposited by investors via intermediaries was deposited in EminiFX bank accounts.

The Receiver filed this suit in state court because the CFO Action consists of state-law claims between non-diverse parties, and submits that there is no federal jurisdiction. To the extent that the Court finds that the Receiver's status as federal equity receiver confers jurisdiction on this Court in the case captioned *Castileman, as Receiver v. Interactive Brokers LLC*, Case No. 25 Civ. 00042 (VEC) (S.D.N.Y.), the Receiver will promptly inform counsel for the CFO.

Dated: New York, New York
March 26, 2025

Respectfully Submitted,

By: /s/ Jennifer S. Feeney
 Jennifer S. Feeney
 William M. Moran
 OTTERBOURG P.C.
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 New York, NY 10169
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Counsel for the Receiver

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2025, I electronically filed the Notice of Filing of Action, with the Clerk of the Court using the Court's CM/ECF system, which shall send notice to all counsel of record. I also served, or cause to be served, copies of the Notice of Filing of Action (1) on Defendant Eddy Alexandre by U.S. mail to Eddy Alexandre, Reg. No. 00712-51, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887; and (2) on Brian Waller, Esq., counsel for Clarelle Dieuveuil via email at bwaller@pecklaw.com.

Dated: New York, New York
March 26, 2025

/s/ Jennifer S. Feeney
Jennifer S. Feeney